

1 Andrew L. Rempfer  
2 Nevada Bar No. 8628  
3 LAW OFFICES OF STEVEN J. PARSONS  
4 10091 Park Run Drive Ste 200  
5 Las Vegas, NV 89145-8868  
(702) 384-9900  
(702) 384-5900 (fax)  
[Andrew@SJPlawyer.com](mailto:Andrew@SJPlawyer.com)

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6 Attorney for Plaintiff  
7 STACY LUXENBERG

UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

9 STACY LUXENBERG, an individual,

Case No. 2:16-cv-001762

10 Plaintiff,

STIPULATED DISCOVERY PLAN

11 vs.

and

PROPOSED SCHEDULING ORDER

12 CLARK COUNTY, NEVADA, ex. rel . CLARK  
13 COUNTY JUSTICE COURT.,

Defendant.

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16 1. MEETING: Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1(b), Andrew L.  
17 Rempfer of LAW OFFICES OF STEVEN J. PARSONS, counsel for Plaintiff STACY LUXENBERG and  
18 Steven Wolfson and Scott Davis of CLARK COUNTY DISTRICT ATTORNEY'S OFFICE, counsel CLARK  
19 COUNTY, met on Tuesday, September 13, 2016 and discussed the merits and proposed  
20 scheduling for this case, and the parties agree as follows:

21 2. INITIAL DISCLOSURES: The parties will exchange their initial disclosures in  
22 accordance with Fed. R. Civ. P. 26(a) no later than Tuesday, September 27, 2016. The parties  
23 expressly agree initial disclosures and all supplements thereto shall be bates-stamped with the  
24 parties' respective identifying bates system. All documents identified by way of Fed. R. Civ. P.  
25 26(a)(1) disclosures are to be produced in hard copy. Documents produced in electronic  
26 format shall be produced again in hard copy if the receiving party is unable to read the  
27 electronic format. To facilitate the speedy, and efficient exchange of discovery requests, each

1 side agrees to send the responding party an electronic copy of any discovery request in MS  
2 Word, WordPerfect, or .rtf, .txt format upon request.

3           3.     DISCOVERY PLAN:

4           A.     SUBJECTS OF DISCOVERY: Discovery may be conducted on all matters  
5 pursuant to Fed. R. Civ. P. 26(b).

6           B.     DISCOVERY CUT-OFF DATE: The plan is in general accordance with LR  
7 26-2, and the parties request one hundred eighty (181) days to conduct percipient witness  
8 discovery measured from September 13, 2016. The last proposed day of discovery of  
9 percipient witnesses shall be Monday, March 12, 2017.

10          C.     FED. R. CIV. P. 26(a)(2) DISCLOSURES (EXPERTS): Disclosure of experts  
11 shall proceed according to Fed. R. Civ. P. 26(a)(2) except that:

12           i. The disclosure of experts and expert reports shall occur on Monday,  
13 December 12, 2016, which is ninety (90) days before the discovery cut-off date.;  
14           ii. The disclosure of rebuttal experts shall occur on Wednesday, January  
15 11, 2016, which is thirty (30) days after the disclosure of experts.

16          4.     AMENDMENT OF THE PLEADINGS AND ADDING PARTIES: The parties shall have  
17 until Monday December 12, 2016, to file any motion to amend the pleadings or to add  
18 parties. This is ninety (90) days before the discovery cut-off, which is in accordance with LR  
19 26-1(b)(2).

20          5.     INTERIM STATUS REPORTS: The parties shall file their interim status report  
21 required by LR 26-3 by Wednesday, January 11, 2016, which is sixty (60) days before  
22 discovery cut-off.

23          6.     DISPOSITIVE MOTIONS: The parties shall have until Tuesday April 11, 2017,  
24 to file dispositive motions, which is thirty (30) days after the close of discovery.

25          7.     SETTLEMENT: The likelihood of settlement cannot be presently established.

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1           8.     ALTERNATIVE DISPUTE RESOLUTION: The parties certify they have met and  
2     conferred about using the alternative dispute resolution process pursuant to LR 26-1(b)(8).  
3     This is an employment-related matter assigned to the Court's Early Neutral Evaluation ("ENE").  
4     The parties will participate in the same once scheduled by the Court. Additional alternative  
5     dispute resolution processes may be premature at this time.

6           9.     ALTERNATIVE FORUMS FOR DISPUTE RESOLUTION: The parties certify they  
7     have met and considered a trial by a magistrate judge pursuant to 28 U.S.C. § 636(c) and  
8     Fed. R. Civ. P. 73 and the use of the Court's Short Trial Program. At this time, the parties do  
9     not consent to trial by the magistrate judge or the use of the Court's Short Trial Program.

10          10.    PRETRIAL ORDER: The pretrial order shall be filed Thursday May 11, 2017,  
11     which is thirty (30) days after the date set for filing dispositive motions in this case. This  
12     deadline is suspended if a dispositive motion is timely filed.

13          11.    FED. R. CIV. P. 26(a)(3) DISCLOSURES: The disclosures required by this rule  
14     and any objections shall be included in the pretrial order.

15          12.    ELECTRONICALLY STORED INFORMATION: The parties have discussed the  
16     retention and production of electronic data.    Electronic Discovery: The parties will make  
17     reasonable, good faith, proportionate efforts as required under the Rules, including, without  
18     limitation, Rule 26(g)(1)(B)(iii), Federal Rules of Civil Procedure, to locate and produce  
19     non-privileged documents that are responsive to discovery requests or subject to the  
20     affirmative disclosure requirements of Rule 26(a). The parties agree that electronic documents  
21     (such as e-mails) may be produced electronically or in hard copy. If the requesting party  
22     specifically seeks production of electronic documents or other electronically stored information  
23     in an electronic format, subject to any appropriate objections, the electronic documents or  
24     electronically stored information which is produced shall be produced in the form in which it  
25     is ordinarily maintained, or in another reasonably useable form or forms. Given the potential  
26     scope and expense of responding to requests for electronically stored information, the parties  
27     agree that they will meet and confer in good faith to ensure that the scope of any such request

1 is proportionate to the prospective cost and expense that may be required to respond. The  
2 parties agree that they will resolve any dispute regarding the disclosure of privileged material  
3 or work product in accordance with the provisions of Federal Rule of Evidence 502. The  
4 parties agree that service of discovery via electronic means, pursuant to Fed. R. Civ. 5(b), is  
5 sufficient, and the parties retain the right to receive three additional days for mailing provided  
6 for in Fed. R. Civ. P. 6(d). The parties reserve the right to revisit this issue if a dispute or need  
7 arises.

8         13.     PROTECTION OF PRIVILEGED/TRIAL PREPARATION MATERIAL: If a party  
9 discovers it has inadvertently disclosed privileged or trial preparation material, it agrees to  
10 notify the opposing party in writing within 30 days of the discovery that such document(s) have  
11 been disclosed, which written notification will set forth the basis for the claim that the items  
12 disclosed are privileged or trial preparation material. If the party receiving the disclosure  
13 agrees that the inadvertently-produced items are privileged or trial preparation material, it will  
14 return all such items to the producing party without the retention of any copies. If the  
15 receiving party disputes that the items are privileged or trial preparation materials, it will within  
16 30 days of written notification of the inadvertent disclosure, present the disputed items  
17 inadvertently disclosed to the court under seal for a decision with respect thereto (without the  
18 retention of copies), including with such submission the producing party's written notification  
19 and any statement the receiving party wishes to make in support of its position that the items  
20 are not privileged or trial preparation material. If the receiving party disclosed the  
21 inadvertently-produced privileged or trial preparation materials before being notified of the  
22 inadvertent disclosure, it will take reasonable steps to retrieve the materials pending resolution  
23 of the matter. No inadvertent disclosure shall operate as a waiver to any claim that the  
24 document(s) is privileged.

25         14.     The attorneys of record in this matter are registered for electronic filing with this  
26 Court. Any documents electronically filed with this Court are deemed to be sufficiently served  
27 on the other party as of the date that the document is electronically filed with the Court.

1           15. LATER APPEARING PARTIES: A copy of this discovery plan and scheduling order  
2 shall be served on any person served after it is entered or, if additional defendants should  
3 appear, within five (5) days of their first appearance. This discovery plan and scheduling order  
4 shall apply to such later appearing party, unless the Court, on motion and for good cause  
5 shown, orders otherwise.

6 Dated: Wednesday, September 14, 2016.

## 7 LAW OFFICES OF STEVEN J. PARSONS

CLARK COUNTY DISTRICT ATTORNEY

8 /s/ Andrew L. Rempfer  
ANDREW L. REMPFER  
9 Nevada Bar No. 8628

/s/ Scott Davis  
STEVEN B. WOLFSON  
Nevada Bar No. 1565  
SCOTT DAVIS  
Nevada Bar No. 10019

10 Attorney for Plaintiff  
STACY LUXENBERG

Attorney for Defendant  
CLARK COUNTY

13 SUBMITTED IN COMPLIANCE WITH LR 26-1(b).

14 ORDER

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16 IT IS SO ORDERED.

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**DATED:** September 15, 2016

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C.W. HOFFMAN, JR.

UNITED STATES MAGISTRATE JUDGE